



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: February 1, 2006 REPORT NO. 06-011

ATTENTION: Honorable Mayor and City Council
Docket of February 7, 2006

SUBJECT: FIFTH UPDATE TO THE LAND DEVELOPMENT CODE AND
LOCAL COASTAL PROGRAM AMENDMENT (PROCESS 5)

SUMMARY

Issues:

1. Should the City Council approve the measurement issue code amendments?
2. Should the City Council approve the permit process code amendments?
3. Should the City Council approve the use issue code amendments?
4. Should the City Council approve the California Environmental Quality Act (CEQA) implementation procedure code amendments?
5. Should the City Council approve the parking code amendments?
6. Should the City Council approve the minor corrections to the Land Development Code?

Managers Recommendation:

1. That the City Council approve the measurement issue code amendments.
2. That the City Council approve the permit process code amendments.
3. That the City Council approve the use issue code amendments.
4. That the City Council approve the CEQA implementation procedure code amendments.
5. That the City Council approve the parking code amendments.
6. That the City Council approve the minor corrections to the Land Development Code.

Technical Advisory Committee (TAC): On February 9, 2005, the Technical Advisory Committee initially reviewed the proposed Fifth Update to the Land Development Code and forwarded the proposed amendments to their Policy Subcommittee for further review. On March 9, 2005, TAC voted unanimously to support the proposed changes contained in the Fifth Update, with the exception of the Tandem Parking and Recycled Water issues, which the Committee recommended be removed from the Fifth Update package. The Recycled Water issues will be processed separately by the Water Department.

Code Monitoring Team (CMT): The Code Monitoring Team reviewed the proposed Fifth Update to the Land Development Code at their February 9 and March 16, 2005

meetings. The Code Monitoring Team voted unanimously to support the proposed changes contained in the Fifth Update, with the exception of the Agricultural-General Zone permitted uses and the Tandem Parking. These items were kept in the Fifth Update package as explained in the discussion section under each issue item.

Community Planners Committee (CPC): On March 22, 2005, the Community Planners Committee reviewed the proposed Fifth Update to the Land Development Code and voted (12-0-4) to support the proposed amendments. Concerns regarding outdoor lighting (Issue 3) were brought up at a later date. In response, CPC received an update from staff at their September 27, 2005, meeting, with a follow up memo distributed to the group on October 17, 2005, detailing the proposed revisions to the outdoor lighting requirements.

Planning Commission (PC): On May 12, 2005, the Planning Commission voted 6-0 to recommend approval of the Fifth Update Issues 1-17 and 19-49 and to withdraw the Issue associated with the Los Penasquitos Watershed. The Planning Commission voted separately on Issue 18 and voted 5-1 to recommend approval of the repeal of the Chapter 6 CEQA implementation procedures.

Land Use and Housing Committee Recommendation: On May 25, 2005, the Land Use and Housing Committee (LU&H) voted 3-0 to recommend approval of the Fifth Update with additional amended language to CEQA Implementation Procedures Section 128.0310(a). The revisions have been incorporated into the proposed language as discussed under Issue 18.

Environmental Review: This activity is covered under Environmental Impact Report (EIR) No. 96-0333 and EIR Addendum No. 42-1548 (Land Development Code EIR and Addendum). The activity is adequately addressed in the environmental documents and there are no changes in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental document adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of CEQA review per CEQA Guidelines Section 15060(c)(3).

Fiscal Impact Statement: The Fifth Update is a part of the Land Development Code Update work program and is funded as an overhead expense in the Development Services Department's budget.

Code Enforcement Impact: The proposed Fifth Update code amendments would improve predictability and consistency in application of regulations in the Land Development Code.

Housing Impact Statement: The Fifth Update Sustainable Buildings Expedite Program (Issue 12) includes language that would provide incentive for the development of sustainable building projects in accordance with City Council direction May 20, 2003. Sustainable building projects designed to reduce impacts associated with fossil fuel energy use by using alternative energy resources would be allowed to deviate with a Site Development Permit through the same process as affordable/infill projects.

BACKGROUND

The Fifth Update to the Land Development Code (LDC) is part of the code monitoring program directed by the City Council as part of the adoption of the LDC in January 2000. The code monitoring program is managed by the Land Development Code Update section within the Land Development Review Division of the Development Services Department. The first four updates were each divided into Policy Issues, Consistency Corrections, and Minor Corrections. In an effort to be more descriptive, the Fifth Update is instead divided into six categories including Measurement, Permit Process, Use, CEQA Implementation Procedures, Parking, and Minor Corrections. There are a total of 49 issues included in the Fifth Update.

Staff has conducted extensive research and analysis involving multiple City departments and other governmental agencies. The code update process is a long process that involves the Technical Advisory Committee, Code Monitoring Team, Community Planners Committee, Planning Commission, Land Use and Housing Committee, City Council, and California Coastal Commission. Over the past couple years, the workload of the Code Update section has been impacted by staffing and budgetary issues. During this time, the number of proposed code amendment issues accumulated. In an effort to expedite the code amendment process, staff selected issues for the Fifth Update, with input from TAC and CMT that could be processed fairly quickly and left the more controversial items for processing in a subsequent update or as a separate item on the LDC Update work program.

DISCUSSION

The Fifth Update includes 49 issues which have been divided into six categories including measurement, permit process, use, CEQA implementation procedures, parking, and minor corrections. The proposed code amendments are discussed in detail below with a separate discussion for each individual issue divided by issue category.

Measurement Issues

Amendments to the following 7 issues are intended to clarify how various things are defined or measured in the Land Development Code.

1. Visibility Areas

Visibility areas require adequate sight distance for safe vehicle and pedestrian movement at intersections, specifically involving the intersection of two streets, the intersection of a street and an alley, and the intersection of a street and a driveway. In order to clarify the rules for calculation and measurement of a visibility area at the intersection of a street and a driveway, language is proposed to specify that the length of 10 feet is measured inward from the property line along the driveway edge.

2. Open Fence in Coastal

Within the Coastal Overlay Zone, open fence is defined differently than open fences outside of the Coastal Overlay Zone. Citywide an open fence requires at least 35 percent of the vertical surface area of each 6-foot fence section be open to light. Within the Coastal Overlay Zone,

open fence means a fence designed to permit public views that have at least 75 percent of its surface area open to light. The proposed amendment would specify within Chapter 14 (Fences) that open fence is defined differently within the Coastal Overlay Zone.

3. Outdoor Lighting Regulations

Outdoor lighting regulations are included in the offsite development regulations of the LDC. The lighting regulations are intended to minimize negative impacts to surrounding property by minimizing light pollution and are also intended to conserve electrical energy. While the original intent of this code change was just to incorporate the new State energy efficiency standards and address security lighting, staff received comments from various sources following the LU&H hearing May 25, 2005, and in consideration of this input, the entire outdoor lighting section has been revised. The proposed amendments now include a purpose and intent statement, require compliance with the State Energy Efficiency Standards, clarify the requirement for shielding of light sources, and address appropriate lighting alternatives for security purposes.

Since the 1980's, the City of San Diego has been regarded as a model in outdoor lighting for other municipalities looking to transition to low sodium lighting alternatives and for its sensitivity of lighting impacts upon the Palomar and Mount Laguna Observatories. When the LDC was adopted in 2000, some of the language relating this purpose and intent was not carried over explicitly since it did not fit into the format of the LDC. (The LDC contains a purpose and intent statement for the entire offsite development impacts section as a whole instead of a purpose and intent statement for each offsite development impact.) As revised, the proposed language states that outdoor lighting fixtures shall minimize impacts from light pollution including light trespass, glare, and urban sky glow to preserve enjoyment of the night sky and shall minimize conflict caused by unnecessary illumination, in order to further clarify the purpose and intent of the outdoor lighting section.

Since the LU&H hearing it was discovered that some outdated exemptions such as those for fossil fuel and luminous tube lighting were included with associated unintended consequences. Those exemptions have now been removed. The revised outdoor lighting regulations address concerns regarding potential impacts to adjacent properties from unshielded, visible light sources. The proposed language is similar to the existing code in that it does not distinguish between luminous tube and other light sources. All outdoor light fixtures are required to be shielded and shall be turned off between 11:00 pm and 6:00 am. The shielding requirement has been further clarified to require that shielding limit light emission above the horizontal plane and that the light source shall not be visible offsite. Automated teller machines (ATM) have been exempted from the 11:00pm to 6am shutoff period to bring the LDC into compliance with the State Financial Code, which requires that ATM's be lit during times of darkness. The only proposed exemption from the entire section (142.0740) is for government entities, which is a standard exemption.

With respect to security lighting, the existing code requires low pressure sodium outdoor lighting fixtures where installed for security purposes past 11:00 p.m. The problem is that low pressure sodium (LPS) lighting is characteristically monochromatic, which creates a dark and unsafe environment instead of the intended secure environment. Aside from the security concerns, it is also difficult for customers to locate low pressure sodium fixtures in appropriate architectural

designs because LPS lamps are physically longer in dimension than high pressure sodium fixtures. New code language is proposed to allow for alternative lighting fixtures where appropriate. The proposed code language would divide the City into areas of sensitivity with respect to Observatories. Within 30 miles of an Observatory, lighting fixtures less than 4,050 lumens would be permitted. Low pressure sodium or high pressure sodium fixtures that exceed 4,050 lumens would be permitted with full cut-off optics (to limit illumination to below the horizontal plane of the fixture or 0% up-light). Where high pressure sodium fixtures are proposed within the 30-mile radius, a photometric study or lighting power density calculation would be required to demonstrate compliance with the average ground lighting level standard. For locations at least 30 miles from an Observatory, lighting fixtures less than 4,050 lumens would be permitted to operate past 11:00 p.m. as well as low pressure sodium or high pressure sodium fixtures above 4,050 lumens with cut-off optics installed (to limit illumination to 2.5% up-light).

4. Accessory Structures

Accessory structures are “structures that are attached to or detached from a primary structure located on the same premises that is customarily incidental and subordinate to the primary structure or use.” The residential base zones allow multiple accessory structures to be located on a premises. The total square footage of the accessory structures can not exceed 25 percent of the allowable gross floor area of the premises. With respect to the location of the structures on a particular site, accessory structures are permitted to encroach into a required yard in the RE, RS, and RX zones subject to certain size or use requirements. The proposed code amendment would clarify that the cumulative area of all encroaching accessory structures shall not exceed 525 square feet.

5. Building Façade

Section 131.0464 (d) and (e) regulates the amount of building façade that can be utilized for parking in specified RM zones. Building façade is defined as “all walls, or portions thereof, of a building that are visible when projected perpendicularly to a single plane that is most parallel to the closest public right-of-way.” The intent is that garages not be allowed to dominate the building façade as viewed from the public right-of-way. The problem is that on lots that abut an alley, this creates conflict and can make designing the project infeasible because such lots front on multiple public right-of-ways. The proposed code change would specify that the measurement of building façade should not be applied to alleys. This change would be consistent with the measurement of building façade prior to adoption of the Land Development Code in 2000.

6. Underground Parking Floor Area Ratio

Gross floor area includes all existing and proposed floors within the horizontal area delineated by the exterior surface of the surrounding exterior walls of the building. Certain elements are exempted from the Floor Area Ratio (FAR) calculation depending on the type of development proposed. Basements and underground parking structures contain exemptions for the portions of the structures that are underground; however, the two types of underground structures are treated differently in the code. For lots that slope less than 5 percent along the edge of the building footprint, 3-foot 6-inches is established as the threshold for determining FAR for a basement.

For underground parking structures, 2-foot 6-inches is the established threshold. Staff received requests that underground parking structures also be allowed 3-foot 6-inches as the threshold for exemption to provide more incentive for projects to locate parking underground. The proposed code amendment would modify the underground parking FAR exemption threshold from 2-foot 6-inches to 3-foot 6-inches.

7. Vacancy Rate Determination

The vacancy rate is used to determine whether relocation payments will be made to individuals impacted by condo conversions for the following year. Section 144.0504 states that each year the Planning Department shall determine what the vacancy rate was on July 1 and January 1 of the proceeding year. This determination is based on surveys taken during spring and fall each year, which is inconsistent with the existing code language that specifies surveys will be conducted in January and July. The proposed amendment will specify that the Planning Department report shall be based on one survey that is conducted between the months of March and May and a second survey that is conducted between the months of September and November.

Permit Process

Amendments to the following 5 issues are proposed to improve the permit process and address inconsistencies in the existing regulations.

8. Construction Permits Application and Expiration Requirements

The Building, Electrical, Plumbing, and Mechanical Regulations of the Land Development Code are administered and enforced by the Building Official via the Building and Safety Division of the Development Services Department. The proposed code amendment would modify five sections of Chapter 12 Article 9 Construction Permits related to Building Permit application and expiration requirements, expiration of a Building Permit, extension of time of a Building Permit, and expiration of Electrical, Plumbing, or Mechanical Permits. The proposed changes are all consistent with the powers and duties of the Building Official as outlined in Section 129.0104.

The timing of a Building Permit application determines which Building Code regulations will apply to a particular project. Proposed modifications to the Building Permit application process would change the closing period for a building permit application from 360 days to 1 year, extend the application period for public projects to 2 years due to the additional time constraints placed on public projects such as the bid process, and add language to allow for an extension of the application closing period as determined by the Building Official.

With respect to Building Permit Expiration, the proposed language would establish 2-year Building Permit expiration for projects with one to two dwelling units or involving relocated buildings consistent with the current code, but would extend the Building Permit expiration date to four years for all other projects. The two year time limit is too restrictive for complex projects and has been resulting in an abundance of requests for extensions. The proposed time limits are expected to reduce the number of request for extensions.

The remaining changes would require projects with multiple construction permits to have all associated Electrical, Plumbing, or Mechanical Permits expire or be extended with the associated Building Permit instead of the current practice which allows the permits to have different expirations, which complicates inspection and enforcement in the field.

9. Deviation of Floor Area Ratio for Total Premises with PDP

The Kearny Mesa community plan allows applicants to request deviations from the floor area ratio (FAR) requirement for the total premises with a Planned Development Permit. This policy is in conflict with the Land Development Code which under Section 143.0410 (a)(3)(B) specifies that a Planned Development Permit may not be used to request a deviation from floor area ratio for the entire premises. The proposed code amendment would allow for deviation requests from FAR for the total premises as permitted in the Kearny Mesa community plan to achieve consistency between the code and the land use plan. Deviations from FAR for total premises would not be permitted in other areas of the City.

10. Alternative Compliance for Steep Hillside

Alternative compliance is a process for proposed developments with steep hillsides on the premises that do not comply with the steep hillside allowable development area regulations of Section 143.0142(a), but where the proposal would not result in a conflict with other regulations. Alternative compliance is not applicable to development of a single dwelling unit on an individual lot, development on land that is designated open space in the applicable land use plan, or development within the Coastal Overlay Zone. Section 143.0151 specifies that alternative compliance requests shall be processed with a Site Development Permit through Process Four. To the contrary, Table 143-01A indicates that a Site Development Permit through Process Three is required. The proposed code amendment would clarify that alternative compliance requests shall be processed through Process Four, which is the process level for other deviation requests.

11. Rescinding Development Permits

The Land Development Code allows an owner or permittee to request cancellation of a development permit at any time prior to initial utilization of the permit. The problem is that there is no established process for applicants to request cancellation of a development permit once a development permit has been utilized. The proposed amendment would allow an owner or permittee to request cancellation of a development permit that has been utilized in accordance with Section 126.0110. Where the development complies with all use and development regulations, the application to rescind a development permit shall be processed through Process One. For other circumstances, an application to cancel a utilized development permit shall be acted on in accordance with the same process as would a new application for the same permit.

12. Sustainable Buildings Expedite Program

On May 20, 2003, the City Council adopted the Sustainable Buildings Expedite Program and recommended that this Program be added to the Affordable In-Fill Housing Program. The language regarding sustainable buildings was inadvertently left out when the Site Development Permit code language was approved. The proposed code change would add the sustainable buildings expedite program references where appropriate to allow sustainable building projects

designed to reduce impacts associated with fossil fuel energy use by using alternative energy resources to deviate with a Site Development Permit through the same process as affordable/infill projects.

Uses

Amendments to the following 5 issues are proposed to clarify existing separately regulated uses and uses regulated by the Agricultural and Commercial base zones.

13. Ground Floor Residential Development in Commercial Zones

The regulations for residential development on the ground floor in commercial base zones are included in Section 131.0540 and within Footnote 2 of Table 131-05B. The proposed code amendment would consolidate the regulations regarding residential on the ground floor into one section of the code to make it easier for users of the code to understand all regulations that apply to this use. There would also be a reference added to the instructional studio separately regulated use section to clarify that instructional studios are not permitted on the ground floor in the Commercial Visitor Zones (CV Zones) of the Coastal Overlay Zone.

14. Child Care Facilities

Child care facilities, classified as a separately regulated use, are licensed facilities by the State of California which provide child care. The code requires a 1,000 foot separation distance between child care facilities and businesses that handle acutely hazardous material above the Threshold Planning Quantities as defined by the California Health and Safety Code. The Hazardous Materials Division of the County of San Diego assists the City of San Diego with reviews of child care facility applications. Since the code section was adopted in 2000, the State has changed the terminology from “acutely hazardous” to “regulated substances”. The proposed amendment would modify the terminology for consistency with the State, and at the recommendation of the County, specify the California Accidental Release Prevention Program as the appropriate reference list of regulated substances.

15. Outpatient Medical Clinics

Outpatient medical clinics are classified as a separately regulated use. This has led to confusion in application of the section and associated legal challenges. When this section was created in 2000, it was not intended to regulate outpatient medical clinics that function similar to a medical office. This is evidenced by the requirement that “physicians shall not maintain offices serving patients other than on an emergency basis.” The intent of the section was to regulate medical clinics that operate after standard business hours in an urgent care type of setting, but not at the emergency level of a hospital with ambulance service and overnight patient stay. In the hierarchy of related uses the proposed code change would better differentiate between medical offices, urgent care facilities, and hospitals. Urgent care facilities would be permitted as a limited use in some Industrial zones through Process One and would require a Neighborhood Use Permit in most Commercial zones through Process Two consistent with the current Use Table requirements for outpatient medical clinics.

16. Agricultural Zone Use Table

The San Pasqual Vision Plan was created by Council District 5 in May 2004 with the intent of long term protection for the agricultural and open space character of the San Pasqual River Valley. The Vision Plan set 10 goals, one of which directed staff to “tailor zoning within the Valley to ensure the preservation of the Valley’s existing rural character and to encourage appropriate agricultural uses- to put in place regulations to achieve the intended preservation.” On August 4, 2004, the Land Use and Housing Committee directed Planning Department staff to draft a Council Policy for implementation of the Vision Plan, amend the AG Zone, rezone City-owned parcels in the San Pasqual Valley from AR-1-1 to AG-1-1, and amend the San Pasqual Valley Plan to restrict land uses as appropriate to preserve the Valley’s rural character. On January 11, 2005, the City Council voted unanimously to initiate a process to amend the Progress Guide and General Plan and San Pasqual Valley Plan and to initiate the rezone process for all City-owned parcels in the Valley from AR-1-1 to AG-1-1. This Fifth Update item would amend the Use Table for the Agricultural Zones, but does not include any associated rezone action to implement the agricultural zones. The AG zone will be implemented separately in accordance with the Vision Plan.

San Pasqual is designated as a Future Urbanizing Area. The majority of San Pasqual is currently zoned AR-1-1 which is an Agricultural-Residential Zone intended to accommodate a wide range of agricultural uses while also permitting the development of single dwelling unit homes at a very low density and other limited nonagricultural uses. The Agricultural-General Zone is a new zone designation that was created in 2000 with the Land Development Code to limit nonagricultural uses and retain traditional agricultural uses on a long term basis. This is the most appropriate zone for the San Pasqual River Valley which is designated for agricultural uses.

In accordance with Council direction and in consideration of input provided by the San Pasqual and Rancho Bernardo Planning Groups, staff is proposing to modify the Use Table for the Agricultural-General Zones. Some uses currently permitted in the AG zone were determined to be inconsistent with the purpose and intent of the zone and under the proposal would be changed to “not permitted” in the Use Table. These include 1) *Boarder and Lodger Accommodations* (residential use category); 2) *Airports*; 3) *Cemeteries, Mausoleums, Crematories*; 4) *Energy Generation and Distribution Facilities*; and 5) *Major Transmission, Relay, or Communication Switching Stations* (institutional use category); 6) *Boarding Kennels*; 7) *Camping Parks*; 8) *Golf Courses, Driving Ranges, and Pitch & Putt Courses*; 9) *Helicopter Landing Facilities*; 10) *Large Recycling Facilities*; 11) *Small Recycling Facilities*; and 12) *Veterinary Clinics and Animal Hospitals* (commercial services category); 13) *Temporary Construction Storage Yards Located Off-Site* (wholesale, distribution, and storage category); and 14) *Mining and Extractive Industries* (industrial use category). *Commercial Stables* (agricultural use category) and *Interpretive Centers* (institutional use category) were determined to be appropriate for the AG zone under some circumstances with a Conditional Use Permit for review on a case-by-case basis to determine under what conditions the use may be appropriate for a given site. The Use Table would be modified accordingly for these uses. In addition, restrictions that apply to Interpretive Centers on agriculturally zoned property would be transferred from the separately regulated use section to the Agricultural Zone Use Table.

On March 16, 2005, the Code Monitoring Team voted to remove the AG Zone amendments from the Fifth Update package, since they did not have the benefit of the corresponding policy language or Council directive at the time of their vote. Staff addressed their concerns with minor

modifications and believes the proposed changes to the AG zone are consistent with the amendments to the San Pasqual Valley Plan and associated Council Policy that are currently being processed by the Planning Department. TAC, CPC, PC, and LU&H all voted in support of keeping the item in the Fifth Update.

17. Traffic Study for Recycling Facilities

Recycling facilities are a separately regulated use in the commercial services category. Section 141.0620(i)(8) specifies that a traffic study is required for small and large construction and demolition debris recycling facilities to demonstrate the impact of anticipated truck traffic on adjacent streets. This is the only place in the code where a traffic study is specified as required. Since the Transportation Development Section of the Land Development Review Division determines where a traffic study is required for a particular land use based on a proposed project's expected daily trip generation, this has created conflict. The proposed code change would remove the statement about the traffic study so that this use is treated consistently with other uses in the City.

CEQA

Amendments to the following 2 issues are proposed to remove redundancy between Chapter 6 and Chapter 12 and to clarify the City's existing CEQA implementation procedures.

18. Repeal Chapter 6 Article 9 CEQA Implementation Procedures

The California Environmental Quality Act (CEQA) implementation procedures and guidelines are covered in Chapter 12 Article 8 of the Land Development Code. Municipal Code Chapter 6 Article 9 also contains CEQA guidelines; however, these are outdated procedures and guidelines that should have been repealed with the adoption of the Land Development Code in 2000. All of the pertinent sections from Chapter 6 are already covered in Chapter 12. The intent of the code change is to repeal the redundant sections of the CEQA implementation procedures that were inadvertently left in Chapter 6 when the Land Development Code was adopted.

Staff received one letter of concern from the Sierra Club related to the repeal of Chapter 6. The letter and staff response are included as Attachment 5. The Planning Commission voted 5-1 to recommend approval of the repeal of the Chapter 6 CEQA implementation procedures. The one dissenting vote was based on a request for more time to review the item. A conversion table indicating where the substance of each Chapter 6 Article 9 code section is otherwise located in the code has been provided as Attachment 6.

After further review of the Chapter 6 Article 9 regulations, staff identified additional CEQA related sections for repeal located in Divisions 1, 2, and 3. In some cases the language and intent of the corresponding Chapter 6 section was copied directly to Chapter 12. In other cases the intent of the old Chapter 6 section is inaccurate due to new State CEQA regulations or new City regulations. All of the code language was reformatted to fit the organization of the Land Development Code and is consistent with the goals of the LDC for simplification, predictability, consistency, objectivity, and adaptability. The Chapter 12 CEQA Implementation Procedures do not regurgitate the language of the CEQA statutes as many of the Chapter 6 sections used to do. Instead, the LDC refers to the applicable CEQA section by reference.

Based on comments received prior to the LU&H hearing, one additional section of Chapter 12 has been added to the Fifth Update code amendment package in order to clarify that EIR candidate findings and statements of overriding consideration are subject to the final environmental document preparation, distribution, and public review requirements under Section 128.0310. As with all environmental documents, the decision maker has the authority to make changes to the EIR candidate findings and statements of overriding consideration prior to certification of the environmental document.

19. Date of Final Action

The Notice of Determination (NOD) is a required CEQA document that is covered in the procedures for preparation and review of environmental documents and completion of the environmental review process. The proposed code amendment would modify the language for consistency with the CEQA statutes to clarify who files the Notice Determination and to specify that it is to be filed within 5 days of the date of final action for each project approval. The Development Services Director shall file the NOD, except for Process Five decisions which are filed by the City Clerk. The date of final action is a defined term that means “the date all rights of appeal are exhausted for a permit, map or other matter.” This term has been inserted to clarify when the timing for filing begins.

Parking

Amendments to the following 6 issues are proposed to address inconsistencies in the parking regulations and to modify parking requirements where they have proven to be problematic.

20. Street Frontage Calculation for Driveways on Corner Lots

Section 142.0560(j)(8)(B) regulates the maximum number of driveways permitted on a premises. For properties with access to an alley and at least 150 feet of street frontage, a maximum of one driveway opening for each 150 feet of frontage is permitted. The proposed code amendment would specify that the calculation of street frontage would be measured by the total street frontage. This is a significant clarification for corner lots where the property fronts on multiple streets.

21. Driveway Size and Design on Narrow Lots

Section 142.0560(j) regulates driveway width and access. There is currently one table which specifies minimum and maximum widths based on land use and location of the site inside or outside of the beach impact area of the Parking Impact Overlay Zone. The proposed code amendment would revise the regulations to regulate driveway size based on width of the lot in addition to the existing criteria. A second table would be created to regulate lots 50 feet or less in width. The proposed regulations would take into account the design constraints of a narrow lot. Lots with two dwelling units on a narrow lot would be permitted a minimum 12-foot driveway similar to single dwelling units instead of a minimum 14-foot driveway, which is the existing code requirement.

22. Tandem Parking Space Length

Section 142.0560(b) explains the minimum dimensions for single and tandem spaces and specifies that compact parking spaces are not permitted. The required tandem space dimensions are shown incorrectly in Table 142-05J. Instead of indicating 36 feet in length, the table indicates 35 feet as the required length. The requirement should be 36 feet because each parking space is required to be 18 feet long. The proposed code amendment would modify the Table accordingly.

The Technical Advisory Committee and Code Monitoring Team each voted to remove this item from the Fifth Update package. They believe that the existing requirement of 35 feet is adequate and should not be increased to 36 feet. In response, staff argues that anything less than 36 feet is not adequate based on the fact that typical vehicle sizes have increased in recent years. This is the reason compact spaces were eliminated with the adoption of the Land Development Code.

23. Self Storage Parking Requirement

The parking section regulates nonresidential uses by zone for some uses (Tables 142-05D and E) and has established requirements for other specified uses (Table 142-05F). *Wholesale, Distribution, and Storage* is a specified nonresidential use with a parking requirement of 1 space per 1,000 square feet of floor area. Staff has determined that this parking requirement is unreasonably high for a self storage facility. The proposed code amendment would create a new category for self storage facilities as a specified non-residential use. The proposed requirement for self storage facilities is 1 space per 10,000 square foot plus 3.3 spaces per 1,000 square feet of accessory office space.

24. Shared Parking Requirement for Cinemas in Transit Areas

Table 142-05F establishes the parking requirement for theaters and specifies that in transit areas the parking requirement is 85 percent of the minimum parking requirement. Table 142-05H shows the shared parking requirement for cinemas and incorrectly shows that the parking requirement is the same for peak parking demand and within a transit area. The proposed code change would correct this inconsistency by changing the parking requirement to be 85 percent of the minimum parking requirement in designated transit areas. This change would be consistent with the Municipal Code parking requirement prior to 2000.

25. Parking Aisle Dimensions on Narrow Lots

Section 142.0560(c) establishes the minimum dimensions for automobile parking aisles. However, these dimensions are problematic on lots that are 50 feet or less in width. The proposed code amendment would decrease the minimum dimension for parking aisles on narrow lots from 24 to 22 feet to accommodate a perpendicular parking layout on a narrow lot.

Minor Corrections

Amendments related to the following issues are straightforward corrections to typographical errors in the code such as incorrect terms/spelling errors, incorrect numerical references, italicization errors, capitalization errors, and incorrect section or table references.

- 26. – 29. Incorrect Terms/Spelling Errors
- 30. - 32. Incorrect Numerical References
- 33. - 35. Italicization Errors
- 36. - 40. Capitalization Errors
- 41. - 49. Incorrect Section or Table Reference

Conclusion:

Development Services recommends approval of the proposed Fifth Update to the Land Development Code and Local Coastal Program Amendment including the measurement, permit process, use, CEQA implementation procedure, and parking issues; and minor corrections. The proposed code amendments are consistent with the original goals of the Land Development Code including simplification, predictability, consistency, objectivity, and adaptability.

ALTERNATIVES

1. Modify the recommendations proposed for the measurement, permit process, use, CEQA implementation procedure, and parking issues; and minor corrections.
2. Deny the proposed measurement, permit process, use, CEQA implementation procedure, and parking issues; and minor corrections.

Respectfully submitted,

Gary Halbert
Director, Development Services Department

Approved by: Ellen Oppenheim
Deputy City Manager

HALBERT/KGB/AJL

Attachments:

1. [Issue Matrix](#)
2. [Draft Ordinance: Effective following Council Adoption](#)
3. [Draft Ordinance: Effective following Coastal Commission Certification](#)
4. [Draft Ordinance: Issue 12](#)
5. [Memo to PC 5/4/05](#)
6. [Conversion Table \(Issue 18 Repeal of Chapter 6 CEQA Implementation Procedures\)](#)